

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

_____)	
SMC CONCRETE CONSTRUCTION,)	
INCORPORATED,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-1204
)	
THE DONOHUE COMPANIES,)	
INCORPORATED,)	
)	
Defendant.)	
_____)	

ORDER

This matter comes before the Court on Defendant's Motion to Dismiss pursuant to Fed. R. Civ. P. 9(b) and 12(b)(6). It appearing to the Court that Plaintiff's Complaint states a claim upon which relief can be granted and states circumstances constituting fraud or mistake with sufficient particularity, it is hereby

ORDERED that Defendant's Motion to Dismiss is DENIED.

/s/

CLAUDE M. HILTON
UNITED STATES DISTRICT JUDGE

Alexandria, Virginia
December 9, 2005